

THE STATE OF TEXAS
CITY OF NOLANVILLE

Minutes for Thursday, December 6, 2012

To consider and to act on the following Agenda:

City Secretary Administered the Oath of Office to Mayor Rosenthal and Council Members Dennis Biggs, Seat #1 and Sherese Karlsson, Seat #3

Call to Order and Announce a Quorum is Present. **Mayor Rosenthal called the meeting to order at 7:02 P.M. and announced that a quorum was present. Mayor Rosenthal, Councilmember's Dennis Biggs, Sherri Morales, Sherese Karlsson and Duane Hampton were present; Councilmember Lacie Hicks was absent.**

1. **INVOCATION:** Given by Council Member Hampton
2. **PLEDGE TO THE FLAGS:** Lead by Mayor Rosenthal
3. **VISITORS/CITIZENS FORUM:** At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

This is an opportunity for members of the public to suggest the addition of topics for the discussion or to address topics of interest, with presentation limited to three (3) minutes. All speakers will conduct themselves in an orderly and lawful manner. No profane or threatening language will be tolerated. All speakers will be recognized prior to speaking and will announce their name and address for the minute purpose.

There were none to speak

4. **REPORTS:**

- **Public Works, Animal Control, Code Enforcement –Monthly Status Report** (Building Permits, Inspections, Ordinance Violations and Animal Control) (Bob Pena-Public Works)
Bob gave the reports for November stating that the building permits were down for the month. He gave report on the door hangers, violation notices and trash letters for the Ordinance Enforcements and gave an update on the animal control. Also, let the council know that the construction for the new convenience store had started. Bob announced the road closers for the Holiday Parade that would be taking place on December 15 and stated that since colder weather was coming in to please protect the animals.
- **Police Department –Monthly Report (Chief Kent-Police Chief)**
Chief Kent gave his report to the council of the months case breakdowns. He stated that he had only one important highlight was to give feedback on the trucks driving down Ave. H, letting the council know that they have been issuing citations, calling some of the local trucking companies to re-route the trucks and to educate them on the routes.

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- **Central Bell County Fire & Rescue** – Monthly Service Reports and Training and Educational Activities (Chief Potter)
Fire Dept was not available until later. Captain Tony Wright was present at 8:25 p.m. and presented the council with the monthly service report.

ANNOUNCEMENTS :

- **Chief Kent** – 1st Annual Holiday Parade, December 15, 2012 at 1:00 p.m.
Chief Kent spoke to the citizens about the First Responder Holiday Parade, stating that there would be First Responders such as the Police Department, Fire Department, EMS, Military, the participation of the other cities as well as the locals that have shown interest in participating in the celebration. He said that the parade route would be Ave H down 10th Street. He announced that this was just the beginning and that the 2nd Saturday of December will be known as the First Responder's Annual Holiday Parade.
- **City Manager** – City of Nolanville Holiday Decoration Contest
City Manager announced the City of Nolanville Holiday Decoration Contest asking that each one participate and that the judging will be December 13, 2012 and awards would be presented on December 20, 2012 at the next regular council meeting.
- **City Manager** – Let's light up Nolanville's Main Street and Downtown area for the Holidays
City Manager asked that all property owners and/or business owners that might be on Main Street or in the downtown area to light up their buildings to give Light up Nolanville's Main Street and Downtown area for the Holiday the festive look to help draw others from the surrounding areas to come into Nolanville to look at the lights.

5. PUBLIC HEARING:

Mayor opened the Public Hearing at 7:17 p.m. to the public:

- A. The City Council of the City of Nolanville will hold a public hearing for the purpose of receiving public comments on the proposed rezoning request of the tract generally described below from R-1S; Single Family Suburban to R-2; Two Family
 1. Being a 29.458-acre tract of land situated in and being out of the I. Shiver Survey, Abstract No. 769 and the A. L. Evans Survey, Abstract No. 289, Bell County, Texas and being part of that tract conveyed to James M. Wright and Michael R. Lackmeyer as recorded in Volume 5190, Page 73, Deed Records of Bell County, Texas.

Reginald Simmons came before the council to speak about the drainage situation on Black Walnut. He stated that when it rains and the grass has been cut all the debris flows down stream and builds up and was wondering if anything could be done about the problem.

PUBLIC HEARING:

1) Aurelia Ridley, 205 Sugar Maple Ct, Nolanville – She stated that she knew that the City nor the City Council could not enforce the covenant from Wildwood Estates, but she wanted to read a portion of the covenant that the home owners were presented when building within the area: That being – No residence shall be erected other than a detached single family residents not to exceed 2-story in height or split level residence and a private garage for not less than 2 cars. Because of these conditions, is why the residents of the Wildwood Estates do not want the Duplexes built in their area.

2) John Campbell, 215 Black Walnut Ct, Nolanville – He lives at the last house on the last street, currently known as Phase I in the Wildwood Estates. He stated that in the last two meetings he has been to, he has learned more information about the area than he ever knew about, those being the Phase II, Phase III, a park, and a running track, all which are fabulous ideas that he would like to see happen. On the other side, where the developers are wanting to make money selling duplex type homes, those being the cookie cutter type homes that are seen in the Killeen and Harker Heights areas, these are not wanted. For basic drainage, basic crime control, basic support for infrastructure for the families, it only makes more sense to stay with the original plans; Phases I, II, & III that was given to all the residence that is in this area. He also feels that this will bring down property value in the area, and the investment from those that have put into the area and does not feel that it makes any sense to support the duplex housing.

3) Tom Anderson, 214 Black Walnut Ct, Nolanville – He has come here from Scotland and he stated that they looked in other areas when they first moved here and when they looked at the Wildwood Estates area they seen the vision that was before them; that it would be a family community, a safe place for the children. He stated that after spending \$300,000 on their home, the Covenant that the residents received and believed in and because a covenant should not be broken, they did not buy in this area to have duplexes built and that the promise they received should be upheld.

4) Dan Stansberry, 208 Black Walnut Ct, Nolanville – Spoke to the Council and stated that he had been here since 1975 and that Nolanville is a great place to live and had been growing. He states that R-2 Resident homes do not build a community, R-1 Single Family homes do. They are the ones that move here and stay, not the transients that come in at the R-2 Residents. The people that own their land and homes take better care of their property than those that do not. He passed out maps that the residents received when they built in Wildwood Estates and stated that this was what was promised that would be built in the Estate Area and what would be developed around them and he feels, as does many other residents that the rezoning for R-2 is not the way to go.

5) Chad Weaver, 201 Black Walnut Ct, Nolanville – Mr. Weaver states that the duplexes that are proposed be built would look really nice when first built, but over the years with people transiting in and out and aren't looking to stay, the homes and the property would go down in value. Therefore, what the homes might appraise for the first year, 10 years down the road, because of families moving in and out, would devalue the duplexes and the surrounding homes. These duplexes will also draw a different crowd of people, than the ones that have purchased their homes in the Wildwood Estates, these residents don't want to see the value of their homes and property go down. Again, the housing addition of the duplexes will bring down value of the area and not make it rise.

6) A.J. Torres, 210 Sugar Maple Ct, Nolanville – He told the Council that he understood that development had to take place to help cities grow and that rezoning has to happen, but bringing in duplexes would be detrimental to the Wildwood Estates for the value of their homes and property. Looking to the long range, it would cost the city in upgrading and to hire more police officers to help fight the crimes that would be initiated in the area of transients that would be moving in and moving out. He states that their area is quiet and reserved and the residents there would like to keep it that way, stated again that he understands that development needs to happen but not in duplexes in the Wildwood Estates area.

7) Jason Blair, 101 Sweet Gum Ct, Nolanville – The dominos were put in place to set the design that brought a lot of good families into the area of Wildwood Estates but because of the questions of rezoning from R-1S;Single Family to R-2;Two Family there would be a possibility of several families that would look at moving. The residents like where they are and if the city wants more involvement then they need to look closely into the rezoning request.

8) Huberto Santiago, 208 Sugar Maple Ct, Nolanville – He told the council that he had promised his family that one day they would have a nice place to live and after working hard and 30 years of sacrifice they finally had it. It was not the promises that were told to him or even the realtors that convinced him but the Wildwood Estates area that convinced him and his family to move an area that they fell in love with. He feels that the rezoning would damage the area, it would be a mark against the residents, and he feels that his investment as well as the other homeowners should be protected.

9) Heather Meltor, 107 N Drive, Nolanville – She told the council that she lives across the fence from the Wildwood Estates and across the street from the other duplexes that are already built there. She says she did not pay the high price for her home but she does own it and states that the duplexes bring in the transients, stray dogs and other issues are not needed in the area. She does not want to see this rezoning done because she does not want to have to relocate, she likes it in Nolanville, but if the duplexes are built, she may be forced to move.

10) Michael Lathan, 318 Cindy Lane, Nolanville – Michael came before the council as the Planning and Zoning Chairman and stated that they had worked hard on the Zoning Ordinance and that it needs to be in place longer than 6 months to see what can be accomplished before any changes are made. Planning and Zoning asks that the council let them work on the single family homes first, then in the future they can look into the R-2;Two Family districts. If the ordinance is changed every time someone wants something different then it becomes an issue.

11) John Kimble, 104 Weeping Willow Ct, Nolanville – Told the council that he wanted to bring something to their attention, that the council was voted in by the citizens of Nolanville and that the citizens of Nolanville currently trust that you have their best interest in everything you do. He asked for a show of hands from the citizens to show the council who was for or against the rezoning.

12) Jim Wright, 3800 W.S.Young, Killeen – He is a realtor and partners with Michael Lackmeyer and states that he just received the rezoning information from Mr. Lackmeyer 3 days prior to the meeting. Mr. Lackmeyer had informed him that he had some interest in putting in duplexes on the said property and wanted his input. Mr. Wright stated that he did not have a problem with the request and that the duplexes that were to be designed would not be like the ones already in the vicinity. These duplexes would be 3 bedroom/2 bath, with one car garage on each side or two car garage on each side and selling for \$150,000 - \$170,000 each. One matter that he wanted to bring before the city was growth, economics and necessity. He gave the council a handout of the duplexes that were in the Killeen area. The future area does not connect with the Wildwood Estates and therefore, would not have an effect on the Wildwood Estates. Mr. Wright's 3-minute time limit was up and was told that he would be able to speak under New Business.

13) Nita Sims, 207 N Main Street, Nolanville – Wanted to follow up on Mr. Lathan's comments stating that she had been, up until just recently, a member of the Planning and Zoning Board and had worked many hours on the zoning ordinance. She states that the city has no room to go to the East, North, or South and that the city is very limited on how far it goes to the West. She commented that there were several reasons why the P & Z denied Mr. Lackmeyer's request, but one of the main reasons was that there are several duplexes already in the Nolanville area that have never been rented since they were built. A rezoning amendment is too immature at this time. The City and P & Z needs to have a chance to work with what the Zoning Ordinance has set in place and with the city being limited on what it can accomplish there needs to be some time given to this Ordinance. She asked the Council once again to deny the request for the R-2; Two Family.

14) Emma McCollugh, 406 N 5th Street, Nolanville – Stated to the council, worry about turning down the builders on what they want to build as to opposed to what the city wants them to build. The city has prime territory and if these builders do not want to build, then there will be someone else that does.

Mayor Rosenthal closed this Public Hearing at 7:50 p.m.

- B. The City Council of the City of Nolanville will hold a public hearing for the purpose of receiving public comments on the proposed zoning ordinance amendment request to allow Private Ambulance Business in a B-2; Neighborhood, Community, and Retail Business District.**

Mayor Rosenthal opened this Public hearing at 7:51 p.m.

There were no comments for this hearing.

Mayor Rosenthal closed this Public Hearing at 7:52 p.m.

6. ITEMS TO BE REMOVED FROM THE CONSENT AGENDA:

If discussion is desired by the council, any item may be removed from the consent agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

There were no items to be removed from the consent agenda.

7. CONSENT AGENDA:

- A. Consider approval of minutes for regular council meeting on March 15, 2012.
(City Secretary)**

Motion was made by Councilmember Biggs to approve the Consent Agenda.

Motion was seconded by Councilmember Hampton. Motion carried 4-0.

8. NEW BUSINESS AND ACTION ITEMS:

- A. The City Council of the City of Nolanville will hold a public hearing for the purpose of receiving public comments on the proposed rezoning request of the tract generally described below from R-1S; Single Family Suburban to R-2; Two Family**

1. Being a 29.458-acre tract of land situated in and being out of the I. Shiver Survey, Abstract No. 769 and the A. L. Evans Survey, Abstract No. 289, Bell County, Texas and being part of that tract conveyed to James M. Wright and Michael R. Lackmeyer as recorded in Volume 5190, Page 73, Deed Records of Bell County, Texas.

Jim Wright, 3800 W. S. Young, Killeen – Mr. Wright wanted to first make a correction on the Plat of 134 acres that the citizen before had presented, it was never stated by either himself nor Mr. Lackmeyer that this area was going all be Wildwood Acres and anyone that conveyed this information to those that had bought homes in that area, did not know what they were talking about. He does not recall anyone from the city or a realtor speaking with him and asking if that was what was intended. He stated he is not the

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enemy of those in the Wildwood Estates; he wants to sale more lots and is interested developing the Phase II. He mentions that there is a 135 acres and the potential of possibly developing the 29 acres, but there is a good portion of that 29 acres that is in a flood plain, so they can't develop all of this acreage. However, before any developing can be started, there has to be an engineer or a surveyor to look and see how it can be done to keep them out of the flood plain. He stated that he heard someone mention a park or a fountain, as he states that their intent as they developed Wildwood Acres the area that is shown on the plat as the flood plain (the speckled area on the map) they do intend to donate and give that area to the city. If the city wants to make a park area or put a fountain in the area, that is up to the city. The intent of the development for this area was not to hurt those in the Wildwood Estates or the value of their homes. Mr. Wright passed out pictures to show what the duplexes would look like, he stated that they are not the builders, they develop the land and the lots and would put restriction on the builders to make sure that every structure is built the way they should be and to have nice duplexes. He says that a lot of those that rent, are those in the military and not everyone can afford the more expensive homes and they look to rent. Mr. Wright states that the citizen that spoke about the covenant and a promise, the development of the first phase of Wildwood Estates was the only promise that was made, the only covenant that was made, there is nothing in writing about the other phases. There was never a promise made but there is the intent to develop, as the market will allow. When there is quality built duplexes that are in areas by themselves, they will not devalue the home or the property. There was never a promise from the developers for a park area and once the area grows toward the flood plain then it will be developed as much as possible and then what can't be developed will be deeded to the city to build the parks or fountains or whatever they see fit to do with it. Mr. Wright stated that he feels he knows how the outcome of the Public Hearing will be, but asked that the City Council take a wider range and look at the whole picture. The Council feels that as the citizens have spoken and stated and the recommendation from the Planning and Zoning that it is in the best interest to deny the request of the proposed rezoning request for any duplexes to be built.

Motion was made by Councilmember Biggs to deny the proposed rezoning request of the tract generally described below from R-1S; Single Family Suburban to R-2; Two Family

Motion was seconded by Councilmember Hampton. Motion carried 4-0.

- B. The City Council of the City of Nolanville will hold a public hearing for the purpose of receiving public comments on the proposed zoning ordinance amendment request to allow Private Ambulance Business in a B-2; Neighborhood, Community, and Retail Business District.**

Motion was made by Councilmember Hampton to accept the proposed zoning ordinance amendment request to allow Private Ambulance Business in a B-2; Neighborhood, Community, and Retail Business District.

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Motion was seconded by Councilmember Morales. Motion carried 4-0.

- C. Discussion and possible action to adopt Resolution No 12-06-2012 authorizing bank account signature authority for all City of Nolanville bank accounts; checking, money market funds, and certificates of deposit

Motion was made by Councilmember Morales to adopt Resolution No 12-06-2012 authorizing the Mayor, City Manager, and City Treasurer signature authority over city bank accounts be approved; checking, money market funds, and certificates of deposit.

Motion was seconded by Councilmember Hampton. Motion carried 4-0.

- D. Discussion and possible action for the purchase of one (1) 2013 Dodge Charger Police Car (Chief Kent)

Chief Kent came before the Council to let them know that they had received a great deal for another new police vehicle and with the present plan that the city is on and with the great input and guidance from the City Manager they are able to put together a plan for the new vehicles to help sustain the 5 years or 90,000 miles and on a police vehicle, states that is an excellent deal. The type of car is a White Dodge Charger; detail of the new vehicle will mimic the other white police car with the exception that this one will have the light bar on top.

Motion was made by Councilmember Biggs for the purchase of one (1) 2013 Dodge Charger Police Car.

Motion was seconded by Councilmember Morales. Motion carried 4-0.

- E. Discussion and possible action for the Appointment of Mayor Pro-Tem.

Motion was made by Councilmember Karlsson to appoint Councilmember Morales as Mayor Pro-Tem.

Motion was seconded by Councilmember Biggs. Motion carried 4-0.

- F. Discussion and possible action for the Appointment of the Planning and Zoning Chair.

Motion was made by Councilmember Morales to appoint Michael Lathan as Planning and Zoning Chair.

Motion was seconded by Councilmember Biggs. Motion carried 4-0.

- G. Discussion and possible action to appoint members to the Zoning Board of Adjustments.

Motion was made by Councilmember Morales to appoint Aurelia Ridley as a member to the Zoning Board of Adjustments.

Motion was seconded by Councilmember Biggs. Motion carried 4-0.

Motion was made by Councilmember Biggs to appoint Brenda Huckaba as a member to the Zoning Board of Adjustments.

Motion was seconded by Councilmember Morales. Motion carried 4-0.

Motion was made by Councilmember Morales to appoint Yvonne Frate as a member to the Zoning Board of Adjustments.

Motion was seconded by Councilmember Karlsson. Motion carried 4-0.

Motion was made by Councilmember Morales to appoint Michael Lathan as a member to the Zoning Board of Adjustment.

Motion was seconded by Councilmember Biggs. Motion carried 4-0.

Motion was made by Councilmember Morales to appoint Kacey Weston as a member to the Zoning Board of Adjustment.

Motion was seconded by Councilmember Karlsson. Motion carried 4-0.

Motion was made by Councilmember Morales to appoint Arthur Simmons as an alternate member to the Zoning Board of Adjustment.

Motion was seconded by Councilmember Biggs. Motion carried 4-0.

Motion was made by Councilmember Morales to appoint Shawn Lansing as an alternate member to the Zoning Board of Adjustment.

Motion was seconded by Councilmember Biggs. Motion carried 4-0.

Motion was made by Councilmember Morales to appoint Jerry Wittkop as an alternate member to the Zoning Board of Adjustment.

Motion was seconded by Councilmember Karlsson. Motion carried 4-0.

Motion was made by Councilmember Morales to appoint Denise Hungerford as an alternate member to the Zoning Board of Adjustment.

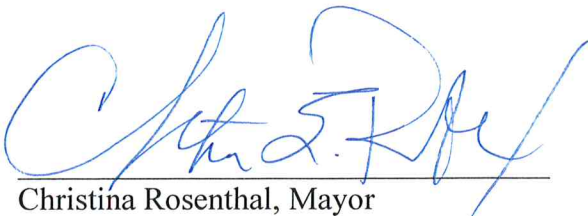
Motion was seconded by Councilmember Biggs. Motion carried 4-0.

9. ADJOURNMENT

Motion was made by Councilmember Hampton to adjourn at 8:29 p.m.

Motion was seconded by Councilmember Morales. Motion carried 4-0.

Date Minutes Approved by Council: December 20, 2012


Christina Rosenthal, Mayor


Ginger Metcalf, City Secretary

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